

1 Sheri M. Thome, Esq.
Nevada Bar No. 008657
2 **WILSON, ELSE, MOSKOWITZ, EDELMAN & DICKER LLP**
300 South Fourth Street, 11th Floor
3 Las Vegas, Nevada 89101
(702) 727-1400; FAX (702) 727-1401
4 sheri.thome@wilsonelser.com

5 ~and~

6 Kate S. Lehrman, Esq.
California Bar No. 123050
7 Robert A. Philipson, Esq.
California Bar No. 108940
8 **ROGAN LEHRMAN LLP**
12121 Wilshire Boulevard, Suite 1300
9 Los Angeles, California 90025-1166
(310) 917-4500; FAX (310) 917-5677
10 klehrman@roganlehrman.com
raphil@aol.com

11 *Attorneys for Plaintiff*
12 *BMW of North America LLC*

13 **UNITED STATES DISTRICT COURT**
14 **DISTRICT OF NEVADA**
15

16 BMW OF NORTH AMERICA, LLC a Delaware
limited liability company,

17 Plaintiff,
18

19 v.

20 LYLE ANDREW EPSTEIN, an individual;
KORTEK SERVICES, INC., a Nevada corporation,

21 Defendants.
22

23 LYLE ANDREW EPSTEIN,

24 Counterclaimant,
25

26 v.

27 BMW OF NORTH AMERICA, LLC a Delaware
limited liability company;

28 Counterdefendant.

CASE NO: 2:11-cv-01909-LRH-PAL

**DISCOVERY PLAN AND SCHEDULING
ORDER**

1 Pursuant to Federal Rule of Civil Procedure 26(f), Plaintiff, BMW OF NORTH AMERICA,
2 LLC, by and through its attorneys WILSON, ELSER, MOSKOWITZ, EDELMAN & DICKER
3 LLP, and ROGAN LERMAN, LLP and Defendants, LYLE ANDREW EPSTEIN, and KORTEK
4 SERVICES, INC. by and through their attorney, THE LAW OFFICE OF SIGAL CHATTAH,
5 submit the following proposed Discovery Plan and Scheduling Order.

6 1. Discovery Cut Off Date. The parties request a discovery period of one hundred and
7 eighty (180) days from December 19, 2011, the date that Defendant's Answer to the Complaint was
8 filed. Therefore, the parties request that the discovery period close on **June 18, 2012.**

9 2. Amending the Pleadings and Adding Parties. The date for filing motions to amend
10 the pleadings or to add parties shall not be later than ninety (90) days prior to the close of discovery,
11 **March 20, 2012.**

12 3. Expert Witness Disclosures. The disclosure of any expert witnesses shall be made
13 sixty (60) days before the discovery deadline, **April 19, 2012.** The disclosure of any rebuttal experts
14 shall be due thirty (30) days after the initial disclosures of experts, **May 21, 2012.** The requirements
15 of FRCP 26(a)(2)(B) shall apply to any such disclosures.

16 4. Dispositive Motions. Dispositive motions shall be filed not later than thirty (30) days
17 after the discovery cut-off date, **July 18, 2012.**

18 5. Pretrial Order. The Joint Pretrial Order shall be filed not later than thirty (30) days
19 after the date set for filing dispositive motions, **August 17, 2012.** However, in the event that
20 dispositive motions are filed, the date for filing the Joint Pretrial Order shall be suspended until
21 thirty (30) days after a decision on the dispositive motions or further order of the Court.

22 6. Rule 26(a)(3) Disclosures. The disclosures required by Rule 26(a)(3) and any
23 objection thereto shall be included in the Pretrial Order. The parties will make their initial
24 disclosures by **February 2, 2012.**

25 7. Electronically Stored Information. The parties have undertaken efforts to retain any
26 electronically stored information relevant to this matter and have agreed that the party producing any
27 electronically stored information need not provide such information in any certain form as long as
28 the form provided the other party(ies) reasonable access to the information. The parties have further

1 agreed that, to the extent any party seeks electronically stored information that would be cumulative,
2 burdensome or unduly costly to produce, counsel for the parties will confer in good faith to reach a
3 mutual agreement regarding the production of such information.

4 8. Protection of Privileged/Trial Preparation Materials. The parties prefer to handle
5 these issues on an ad hoc basis as no consensus can be reached in advance.

6 9. Subjects on Which Discovery Will Be Conducted. The parties are in agreement that
7 discovery will be needed on the Plaintiff's claims and Defendant's denials/affirmative defenses.
8 Discovery does not need to be conducted in phases or limited or focused on particular issues.

9 DATED this 1st day of February, 2012.

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11 **WILSON, ELSER, MOSKOWITZ, EDELMAN
& DICKER LLP**

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13 BY: /s/ Sheri M. Thome

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300 South Fourth Street, 11th Floor
Las Vegas, Nevada 89101

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ROGAN LEHRMAN LLP
12121 Wilshire Boulevard, Suite 1300
20 Los Angeles, California 90025-1166
Attorneys for Plaintiff

21 DATED this 1st day of February, 2012.

22
23 **LAW OFFICES OF SIGAL CHATTAH**

24 BY: /s/ Sigal Chattah

25 Sigal Chattah, Esq.
26 Nevada Bar No. 008264
5875 S. Rainbow Boulevard, Suite 204
27 Las Vegas, Nevada 89118
Attorney for Defendant

ORDER

IT IS SO ORDERED this 1st day of February, 2012.


UNITED STATES MAGISTRATE JUDGE